

EX PARTE OR LATE FILED

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August 1, 1996

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Ex Parte Presentations in Docket Nos. 92-260 and 95-184

This constitutes the Independent Cable & Telecommunications Association's notice of ex parte presentations in the above-referenced dockets (one copy enclosed). On July 25, 1996, ICTA members Bob Vogelsang, Robert Palle, Kevin Cory, Bill Burhop, David Carmen and I met with Jackie Chorney, Legal Advisor to Chairman Hundt, Suzanne Toller, Legal Advisor to Commissioner Chong, and Anita Wallgren, Legal Advisor to Commissioner Ness. On July 26, 1996, ICTA members Robert Palle, Anne Walker, Henry Beaumont and I met with John Logan, JoAnne Lucanik and Larry Walke of the Cable Services Bureau. In these meetings, ICTA discussed the inside wiring rulemakings and the issues raised in ICTA's comments regarding those rulemakings. ICTA urged the Commission to establish the demarcation point for multiple dwelling units ("MDUs") where the wire is solely dedicated to an individual unit and to allow the wire to be offered for sale to the property owner in order to avoid constitutional barriers to tenant ownership of wiring within common areas. ICTA further stressed the pro-competitive features of exclusive contracts, and that marketplace choices should not be replaced by adoption of mandatory access rules. Enclosed are copies of correspondence sent subsequent to these meetings.

Respectfully submitted,

Deborah C. Costlow
Deborah C. Costlow

Enclosures

cc: Jackie Chorney (w/o enclosure)
Suzanne Toller (w/o enclosure)
Anita Wallgren (w/o enclosure)
John Logan (w/o enclosure)
JoAnne Lucanik (w/o enclosure)
Larry Walke (w/o enclosure)

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Ms. Jackie Chorney
Legal Advisor
Federal Communications Commission
Room 814
1919 M Street, NW
Washington, DC 20554

Dear Ms. Chorney

On behalf of the members of the Independent Cable & Telecommunications Association, thank you for taking the time to meet with us on July 25. We were grateful for the chance to convey our views in connection with the inside wiring proceedings, the outcome of which is critical to the private cable industry's future ability to compete. In particular, we appreciated the discussion surrounding a more accessible location for the demarcation point in MDUs, i.e., the point where the wire becomes solely dedicated to an individual unit.

We understand that your schedule is very busy and thank you for your attentiveness to the interests of the competitors of the franchised cable industry and the local exchange carriers.

Sincerely,



Deborah C. Costlow

DCC:bgb

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Ms. Suzanne Toller
Legal Advisor
Federal Communications Commission
Room 841
1919 M Street, NW
Washington, DC 20554

Dear Ms. Toller:

On behalf of the members of the Independent Cable and Telecommunications Association who met with you on July 25, I would like to extend our sincere thanks for the opportunity to discuss a number of issues of great import to the private cable industry. As you know, ICTA members find it difficult to access MDUs given the current demarcation point and hope the Commission re-establishes that point as the point where the wire is solely dedicated to an individual unit. If such is accomplished, ICTA members believe the marketplace should be permitted to operate freely, save for a "fresh look" policy that would allow property owners to re-negotiate contracts with perpetuity clauses. Those contracts were typically entered into during a time when alternative providers were virtually non-existent.

Again, we appreciate the opportunity to discuss these matters with you. On another note, I'm glad your window remained intact this time during our visit!

Sincerely,



Deborah C. Costlow

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August 1, 1996

Ms. Anita Wallgren
Federal Communications Commission
Room 832
1919 M Street, NW
Washington, DC 20554

Dear Ms. Wallgren:

On behalf of the membership of the Independent Cable and Telecommunications Association, thank you for the opportunity to meet with you on July 25 to discuss several matters of interest to us as competitors of the franchised cable industry and the local exchange carriers. The inside wiring rulemakings are of critical importance to our business and we were pleased to have the opportunity to explain to you our concerns surrounding the current demarcation point as well as our suggestions for a more workable solution. In addition, we welcomed your attentiveness to the procompetitive nature of exclusive agreements to serve properties.

We recognize that you maintain a very busy schedule and especially appreciate that you arranged to speak with us on such short notice. On another note, it was good to see you after all these years.

Sincerely,


Deborah C. Costlow

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August 1, 1996

Mr. John E. Logan
Deputy Chief
Cable Services Bureau
Federal Communications Commission
Room 922
2033 M Street, N.W.
Washington, DC 20554

Dear Mr. Logan:

On behalf of the members of the Independent Cable and Telecommunications Association, I would like to extend our sincere thanks for the opportunity to meet with you on July 26 to discuss the inside wiring proceedings. These rulemakings are critical to our industry and we appreciated the opportunity to discuss movement of the demarcation point as a means to achieve greater accessibility by all competitors, as well as the ability of the property owner, rather than the tenant, to purchase the wire within the common areas. We further welcomed the candid discussion of the procompetitive nature of exclusive agreements.

We recognize that this is an especially busy time at the Commission and are grateful for your attentiveness to our interests.

Sincerely,



Deborah C. Costlow

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Ms. JoAnn Lucanik
Chief
Policy and Rules Division
Cable Services Bureau
Federal Communications Commission
Room 406A
2033 M Street, N.W.
Washington, DC 20554

Dear Ms. Lucanik:

On behalf of the members of the Independent Cable and Telecommunications Association, thank you for taking time out of an especially busy schedule to meet with us on July 26 to discuss the inside wiring proceedings. Your interest in understanding the "nuts and bolts" of MDU wiring configurations was indeed refreshing and Anne Walker of Castle Cable is already hard at work on her "video presentation" for September. As you know, we feel the degree to which competition can occur at MDUs is directly related to the accessibility of the demarcation point, as well as the ability of the property owner, rather than the tenant, to purchase the wire from the cable operator.

Thanks again for your attentiveness to our interests

Sincerely,


Deborah C. Costlow

DCC:bgb